


**EXHIBIT “iii”**

**EXHIBIT “iii”**

Electronically Filed  
6/29/2017 3:00 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 **ANS**  
2 MICHAEL C. MILLS, ESQ.  
3 Nevada Bar No. 003534  
4 BAUMAN LOEWE WITT & MAXWELL  
5 3650 N. Rancho Dr., Ste. 114  
6 Las Vegas, NV 89130  
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8 Fax: 702-240-4267  
9 Email: mmills@blwmlawfirm.com

10 Attorneys for Defendant,  
11 Bodega Latina Corporation, dba El Super

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MARIA M. CASTELAN-GUTIERREZ,

CASE NO: A-17-755831-C

15 Plaintiff,

DEPT. NO: 27

16 vs.

17 BODEGA LATINA CORPORATION d/b/a  
18 EL SUPER; DOES I-X, inclusive, and ROE  
19 CORPORATIONS I-X, inclusive,

20 Defendants.

21 **DEFENDANT BODEGA LATINA CORPORATION, dba EL SUPER'S**  
22 **ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

23 COMES NOW, Defendant Bodega Latina Corporation, dba El Super, by and  
24 through its counsel of record, Michael C. Mills, Esq. of the law firm of Bauman Loewe  
25 Witt & Maxwell, PLLC. and admits, denies and otherwise responds to the allegations in  
26 Plaintiff's First Amended Complaint as follows:

27 **Jurisdiction**

28 1. Answering Paragraph 1 of Plaintiff's First Amended Complaint, this  
answering Defendant admits the allegations of this paragraph.

2. Answering Paragraph 2 of Plaintiff's First Amended Complaint, this  
answering Defendant admits the allegations of this paragraph.

3. Answering Paragraph 3 of Plaintiff's First Amended Complaint, this  
answering Defendant admits the allegations of this paragraph.

DEFENDANT'S ANSWER TO FIRST AMENDED COMPLAINT

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1           4.     Answering Paragraph 4 of Plaintiff's First Amended Complaint, this  
2     answering Defendant denies the allegations of this paragraph.

3                                   **Specific Allegations**

4           5.     Answering Paragraph 5 of Plaintiff's First Amended Complaint, this  
5     answering Defendant admits the allegations of this paragraph.

6           6.     Answering Paragraph 6 of Plaintiff's First Amended Complaint, this  
7     answering Defendant denies the allegations of this paragraph.

8           7.     Answering Paragraph 7 of Plaintiff's First Amended Complaint, this  
9     answering Defendant denies the allegations of this paragraph.

10          8.     Answering Paragraph 8 of Plaintiff's First Amended Complaint, this  
11     answering Defendant denies the allegations of this paragraph.

12          9.     Answering Paragraph 9 of Plaintiff's First Amended Complaint, this  
13     answering Defendant denies the allegations of this paragraph.

14          10.    Answering Paragraph 10 of Plaintiff's First Amended Complaint, this  
15     answering Defendant denies the allegations of this paragraph.

16          11.    Answering Paragraph 11 of Plaintiff's First Amended Complaint, this  
17     answering Defendant denies the allegations of this paragraph.

18          12.    Answering Paragraph 12 of Plaintiff's First Amended Complaint, this  
19     answering Defendant denies the allegations of this paragraph.

20                               **First Cause of Action – Negligence**

21          13.    Answering Paragraph 13 of Plaintiff's First Amended Complaint, this  
22     answering Defendant repeats and re-alleges their answers as set forth in Paragraphs 1  
23     through 12 above with the same force and effect as though fully set forth herein.

24          14.    Answering Paragraph 14 of Plaintiff's First Amended Complaint, this  
25     answering Defendant states that duty is a legal concept that is established by the laws  
26     and the court and the extent of that duty will be legal question. Therefore, this  
27     answering Defendant denies the allegations of this paragraph.

1           15.     Answering Paragraph 15 of Plaintiff's First Amended Complaint, this  
2     answering Defendant denies the allegations of this paragraph.

3           16.     Answering Paragraph 16 of Plaintiff's First Amended Complaint, this  
4     answering Defendant denies the allegations of this paragraph.

5     **Second Cause of Action – Negligent Hiring, Training, Supervision, and Retention**

6           17.     Answering Paragraph 17 of Plaintiff's First Amended Complaint, this  
7     answering Defendant repeats and re-alleges their answers as set forth in Paragraphs 1  
8     through 16 above with the same force and effect as though fully set forth herein.

9           18.     Answering Paragraph 18 of Plaintiff's First Amended Complaint, this  
10    answering Defendant states that duty is a legal concept that is established by the laws  
11    and the court and the extent of that duty will be legal question. Therefore, this  
12    answering Defendant denies the allegations of this paragraph.

13          19.     Answering Paragraph 19 of Plaintiff's First Amended Complaint, this  
14    answering Defendant denies the allegations of this paragraph.

15          20.     Answering Paragraph 20 of Plaintiff's First Amended Complaint, this  
16    answering Defendant denies the allegations of this paragraph.

17     **Third Cause of Action – Vicarious Liability/Respondeat Superior**

18          21.     Answering Paragraph 21 of Plaintiff's First Amended Complaint, this  
19    answering Defendant repeats and re-alleges their answers as set forth in Paragraphs 1  
20    through 20 above with the same force and effect as though fully set forth herein.

21          22.     Answering Paragraph 22 of Plaintiff's First Amended Complaint, this  
22    answering Defendant denies the allegations of this paragraph.

23          23.     Answering Paragraph 23 of Plaintiff's First Amended Complaint, this  
24    answering Defendant states that vicarious liability is a legal concept that is established  
25    by the laws and the court and the extent of that duty will be legal question. Therefore,  
26    this answering Defendant denies the allegations of this paragraph.

27          24.     Answering Paragraph 24 of Plaintiff's First Amended Complaint, this  
28    answering Defendant states that vicarious liability is a legal concept that is established

1 by the laws and the court and the extent of that duty will be legal question. Therefore,  
2 this answering Defendant denies the allegations of this paragraph.

3 25. Answering Paragraph 25 of Plaintiff's First Amended Complaint, this  
4 answering Defendant denies the allegations of this paragraph.

5 **CONCLUDING ANSWER TO ALL ALLEGATIONS**

6 All allegations not specifically addressed above due to the nature of the language  
7 and construction of the allegations, or for any other reason, are specifically denied.

8 **AFFIRMATIVE DEFENSES**

9 **FIRST:** That it has been necessary for this answering Defendant Bodega  
10 Latina Corporation, dba El Super to employ the services of Bauman Loewe Witt &  
11 Maxwell, PLLC to defend this action, and a reasonable sum should be allowed this  
12 answering Defendant Bodega Latina Corporation, dba El Super as and for attorney's  
13 fees, together with costs expended in this action.

14 **SECOND:** Defendant Bodega Latina Corporation, dba El Super alleges that the  
15 incident alleged in the Complaint, and the alleged damages and injuries, if any, to Plaintiff  
16 were proximately caused or contributed to by Plaintiff's own negligence and such  
17 negligence was greater than any of the Defendants negligence.

18 **THIRD:** Defendant Bodega Latina Corporation, dba El Super alleges that at  
19 the time and place alleged in the Complaint, Plaintiff did not exercise ordinary care,  
20 caution, or prudence in the premises to avoid said accident and the resulting injuries, if  
21 any, complained of were directly and proximately contributed to and caused by fault,  
22 carelessness, and negligence of Plaintiff.

23 **FOURTH:** Defendant Bodega Latina Corporation, dba El Super alleges that  
24 Plaintiff has failed, in whole or in part, to mitigate her/his alleged damages.

25 **FIFTH:** Defendant Bodega Latina Corporation, dba El Super alleges that  
26 the allegations contained in Plaintiff's First Amended Complaint fail to state a cause of  
27 action against Defendant Bodega Latina Corporation, dba El Super upon which relief  
28 can be granted.

1        SIXTH:        Defendant Bodega Latina Corporation, dba El Super alleges that  
2 he/she has no fault in the subject accident.

3        SEVENTH:    Defendant alleges that the defect or condition complained of by  
4 Plaintiff was open and obvious and Plaintiff is therefore precluded from recovery.

5        EIGHTH:     Defendant Bodega Latina Corporation, dba El Super alleges that  
6 the damages and injuries sustained by Plaintiff; as alleged in her Complaint herein, if  
7 any, were the result of an unavoidable accident.

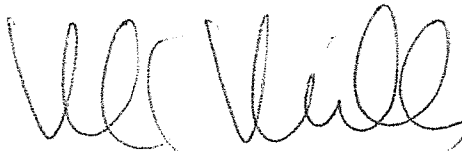
8        NINTH:       Pursuant to NRCP 11, as amended, all possible affirmative  
9 defenses may not have been alleged herein insofar as sufficient facts were not available  
10 after reasonable inquiry upon the filing of this answering Defendant Bodega Latina  
11 Corporation, dba El Super's Answer, and therefore, this answering Defendant reserves  
12 the right to amend their Answer to allege additional Affirmative Defenses if subsequent  
13 investigation so warrants.

14        WHEREFORE, this answering Defendant Bodega Latina Corporation, dba El  
15 Super hereby prays for judgment as follows:

- 16            1.        That Plaintiff take nothing by reason of the Complaint on file herein;  
17            2.        That this answering Defendant Bodega Latina Corporation, dba El Super  
18 be awarded reasonable attorney's fees and costs for the defense of this matter;  
19            3.        For such other and further relief as the Court deems just and proper.

20        Dated this 28<sup>th</sup> day of June 2017.

21                            BAUMAN LOEWE WITT & MAXWELL, PLLC.

22                            

23                            MICHAEL C. MILLS, ESQ.  
24 Nevada Bar No. 003534  
25 3650 N. Rancho Dr., Ste. 114  
26 Las Vegas, NV 89130  
27 Phone: 702-240-6060  
28 Fax: 702-240-4267  
Attorneys for Defendant,  
Bodega Latina Corporation, dba El Super

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2 of the Eighth Judicial District Court, I hereby certify that I am an employee of BAUMAN LOEWE WITT & MAXWELL, PLLC and that on the 28<sup>th</sup> day of June 2017, I served the above and foregoing DEFENDANT BODEGA LATINA CORPORATION, dba EL SUPER'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT on the following parties in compliance with the Nevada Electronic Filing and Conversion Rules:

☐ VIA U.S. POSTAL MAIL: by placing a true and correct copy thereof enclosed in a sealed envelope with the postage thereon fully prepaid, addressed as indicated on the attached service list in the United States Mail.

☐ VIA FACSIMILE: by causing a true and correct copy thereof to be faxed on this date to the addressee(s) at the attached facsimile numbers set forth in the service list.

☒ VIA E-SERVICE: by causing a true and correct copy thereof to be electronically served in compliance with the Administrative Order 14-2 and Nevada Electronic Filing and Conversion Rules.

SERVICE LIST

Alex J. De Castroverde, Esq.  
De Castroverde Law Group  
1149 S. Maryland Pkwy.  
Las Vegas, NV 89104  
Phone: 702-383-0606  
Fax: 702-383-8741  
Attorneys for Plaintiff,  
Maria M. Castelan-Gutierrez

  
An Employee of  
Bauman Loewe Witt & Maxwell, PLLC



## Envelope Information

**Envelope Id**

1156204

**Submitted Date**

6/29/2017 3:00 PM PST

**Submitted User Name**

sjohnson@blwmlawfirm.com

## Case Information

**Location**

Department 27

**Category**

Civil

**Case Type**

Negligence - Premises Liability

**Case Initiation Date**

6/29/2017

**Case #**

A-17-755831-C

**Assigned to Judge**

Allf, Nancy

## Filings

**Filing Type**

EFileAndServe

**Filing Code**

Answer to Complaint - ANSC

**Filing Description**

Defendant Bodega Latina  
Corporation, dba El Super's  
Answer to Plaintiff's First Amended  
Complaint

**Client Reference Number**

3215-0025

**Filing on Behalf of**

Latina Bodega Corporation

**Filing Status**

Accepted

**Accepted Date**

6/29/2017 3:41 PM PST

## Lead Document

File Name	Security	Download
Answer - Castelan.pdf	Public Filed Document	Original File Court Copy

## eService Details

Status	Name	Firm	Served	Date Opened
Sent	Kimberly Valentin	De Castroverde Law Group	Yes	Not Opened
Sent	Christopher Smith	De Castroverde Law Group	Yes	6/29/2017 3:53 PM PST



Status	Name	Firm	Served	Date Opened
Sent	Alex De Castroverde	De Castroverde Law Group	Yes	Not Opened
Sent	Michael C Mills	Bauman Loewe Witt & Maxwell	Yes	Not Opened
Sent	Karen Reynolds	Bauman Loewe Witt & Maxwell	Yes	Not Opened
Sent	Sarah Johnson	Bauman Loewe Witt & Maxwell	Yes	6/29/2017 4:19 PM PST

**Filing Type**

EFileAndServe

**Filing Code**Initial Appearance Fee Disclosure -  
IAFD**Filing Description**

Initial Appearance Fee Disclosure

**Client Reference Number**

3215-0025

**Filing on Behalf of**

Latina Bodega Corporation

**Filing Status**

Accepted

**Accepted Date**

6/29/2017 3:41 PM PST

**Lead Document**

File Name	Security	Download
IAFD - Castelan.pdf	Public Filed Document	Original File Court Copy

**eService Details**

Status	Name	Firm	Served	Date Opened
Sent	Kimberly Valentin	De Castroverde Law Group	Yes	Not Opened
Sent	Christopher Smith	De Castroverde Law Group	Yes	Not Opened
Sent	Alex De Castroverde	De Castroverde Law Group	Yes	Not Opened
Sent	Karen Reynolds	Bauman Loewe Witt & Maxwell	Yes	Not Opened
Sent	Sarah Johnson	Bauman Loewe Witt & Maxwell	Yes	6/29/2017 4:18 PM PST
Sent	Michael C Mills	Bauman Loewe Witt & Maxwell	Yes	Not Opened

**Filing Type**

EFileAndServe

**Filing Code**

Disclosure Statement - DSST

**Filing Description**

Defendant Bodega Latina  
Corporation, dba El Super's  
Disclosure Statement Pursuant to  
NRCP 7.1

**Client Reference Number**

3215-0025

**Filing on Behalf of**

Latina Bodega Corporation

**Filing Status**

Accepted

**Accepted Date**

6/29/2017 3:41 PM PST

**Lead Document**

<b>File Name</b>	<b>Security</b>	<b>Download</b>
DSST - Castelan.pdf	Public Filed Document	Original File Court Copy

**eService Details**

<b>Status</b>	<b>Name</b>	<b>Firm</b>	<b>Served</b>	<b>Date Opened</b>
Sent	Alex De Castroverde	De Castroverde Law Group	Yes	Not Opened
Sent	Christopher Smith	De Castroverde Law Group	Yes	6/29/2017 3:53 PM PST
Sent	Karen Reynolds	Bauman Loewe Witt & Maxwell	Yes	Not Opened
Sent	Sarah Johnson	Bauman Loewe Witt & Maxwell	Yes	6/29/2017 4:17 PM PST
Sent	Kimberly Valentin	De Castroverde Law Group	Yes	Not Opened
Sent	Michael C Mills	Bauman Loewe Witt & Maxwell	Yes	Not Opened

**Filing Type**

EFileAndServe

**Filing Code**

Demand for Jury Trial - DMJT

**Filing Description**

Demand for Jury Trial

**Client Reference Number**

3215-0025

**Filing on Behalf of**

## Odyssey File &amp; Serve - Envelope Receipt

Page 4 of 5

Latina Bodega Corporation

**Filing Status**

Accepted

**Accepted Date**

6/29/2017 3:41 PM PST

**Lead Document**

<b>File Name</b>	<b>Security</b>	<b>Download</b>
DMJT - Castelan.pdf	Public Filed Document	Original File Court Copy

**eService Details**

<b>Status</b>	<b>Name</b>	<b>Firm</b>	<b>Served</b>	<b>Date Opened</b>
Sent	Karen Reynolds	Bauman Loewe Witt & Maxwell	Yes	Not Opened
Sent	Sarah Johnson	Bauman Loewe Witt & Maxwell	Yes	6/29/2017 4:16 PM PST
Sent	Alex De Castroverde	De Castroverde Law Group	Yes	Not Opened
Sent	Christopher Smith	De Castroverde Law Group	Yes	Not Opened
Sent	Kimberly Valentin	De Castroverde Law Group	Yes	Not Opened
Sent	Michael C Mills	Bauman Loewe Witt & Maxwell	Yes	Not Opened

**Fees****Answer to Complaint - ANSC**

<b>Description</b>	<b>Amount</b>
Filing Fee	\$223.00
<b>Filing Total:</b>	<b>\$223.00</b>

**Initial Appearance Fee Disclosure - IAFD**

<b>Description</b>	<b>Amount</b>
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

**Disclosure Statement - DSST**

<b>Description</b>	<b>Amount</b>
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

**Demand for Jury Trial - DMJT**

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Total Filing Fee	\$223.00
Payment Service Fee	\$6.69
E-File Fee	\$3.50

**Envelope Total: \$233.19**

<b>Party Responsible for Fees</b>	Latina Bodega Cor...	<b>Transaction Amount</b>	\$233.19
<b>Payment Account</b>	Firm Credit Card	<b>Transaction Id</b>	1659853
<b>Filing Attorney</b>	Michael Mills	<b>Order Id</b>	001156204-0
<b>Transaction Response</b>	Payment Complete		